

TOWN BOARD MEETING

WEDNESDAY, AUGUST 1, 2007; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey,
Councilwoman Weyant, Councilwoman Biasotti

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe,
Highway Superintendent Fayo, Police Chief Biasotti

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the Minutes of the Town Board Meeting held on July 5, 2007, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

#2 On Agenda: Receive and File Bids – Water Meters, Radio Read Meter Transceiver and Related Equipment

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bid received and publicly opened July 26, 2007 for water meters, radio read meter transceiver and related equipment, submitted by Everett J. Prescott, Inc., 198 Ushers Road, Round Lake, New York 12151.

#3 On Agenda: Motion – Award Bid - Water Meters, Radio Read Meter Transceiver and Related Equipment

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor award the bid for water meters, radio read meter transceiver and related equipment to Everett J. Prescott, Inc., 198 Ushers Road, Round Lake, New York; per the bid received and publicly opened July 26, 2007.

Roll Call: All Ayes

Motion Carried: 4-0

4 On Agenda: Motion – Adopt Negative Declaration For SEQRA – 20 Year Water Agreement With City Of Newburgh

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, the Town of New Windsor has offered to purchase a quantity of finished water from the City of Newburgh; and,

WHEREAS, the Town Board of the Town of New Windsor has authorized the Supervisor to enter into that contract if approved by the City of Newburgh; and,

WHEREAS, the purchase of said water could result in construction and growth in the Town of New Windsor; and,

WHEREAS, this growth requires review under the State Environmental Quality Review Act (SEQRA); and,

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WHEREAS, any growth induced by the purchase of water from the City of Newburgh would be subject to the control of both the Planning Board and Zoning Board of the Town of New Windsor;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of New Windsor that the Town Board of the Town of New Windsor assume lead agency for the purpose of review under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor declares this to be a Type II action; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of New Windsor declares a negative declaration for purposes of SEQRA.

Roll Call: All Ayes

Motion Carried: 4-0

5 On Agenda: Motion – Authorize Change Order #1 – C. A. Phillips Construction Corp. – Union Avenue Pump Station

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize change order #1 submitted by C.A. Phillips Construction Corp. in the amount of \$8,271.29 for work on the Union Avenue Pump Station per the recommendation of McGoey, Hauser and Edsall Consulting Engineers, P.C., on July 31, 2007.

Roll Call: All Ayes

Motion Carried: 4-0

6 On Agenda: Receive and File Water Line Easement – Charles Satterly and Rufus McCaster – SBL 67-3-6 and 67-7-1

Hearing no objection, the Town Board of the Town of New Windsor receive and file water line easement from Charles Satterly and Rufus McCaster to Town of New Windsor, dated March 8, 2007, and recorded in the Orange County Clerk's Office on the 6th day of April, 2007, as File #20070036902 (p/o SBL 67-3-6 and 67-7-1).

7 On Agenda: Receive and File Water Line Easement – Charles Satterly and Rufus McCaster – SBL 67-3-5

Hearing no objection, the Town Board of the Town of New Windsor receive and file water line easement from Charles Satterly and Rufus McCaster to Town of New Windsor, dated March 8, 2007, and recorded in the Orange County Clerk's Office on the 6th day of April, 2007, as File #20070036901(p/o SBL 67-3-5).

8 On Agenda: Motion – Adopt Final Order Establishing Water District #14 – Meadowbrook Estates

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the establishment of Water District 14 (Meadowbrook Estates), pursuant to Article 12 of the Town Law and in accordance with the Final Order attached hereto.

Roll Call: All Ayes

Motion Carried 4-0

9 On Agenda: Motion – Authorize Provision Of Water Service Between Extension #13 Of New Windsor Consolidated Water District And Water District #14

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, the properties identified on Town of New Windsor Tax Map as Section 95, Block 1, Lot 3.2 and Section 95, Block 1, Lot 4.2 (the "properties"), are located in Town of New Windsor Water District No. 14, but water service is not presently provided by Water District No. 14; and

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WHEREAS, the Planning Board of the Town of New Windsor has granted subdivision approval to Land Master Community Developers, LLC, (the “developer”) to develop the properties with 90 single-family detached residential units that will require a public water supply; and

WHEREAS, at such time that a sufficient municipal water supply becomes available, water service connection can be provided to Water District #14 by the Consolidated Water District and by Extension #13 to the New Windsor Consolidated Water District (“Ext. #13 of NWCWD”), which would require the construction of water main extensions and other improvements; and

WHEREAS, the developer has agreed to construct, at its own expense, said improvements; and

WHEREAS, the Consolidated Water District and Ext. #13 to NWCWD currently have plans to supply sufficient water to the properties located in Water District No. 14 when such municipal water becomes available; and

WHEREAS, Water District No. 14 is authorized by General Municipal Law Article 5-c and New York State Town Law §198(3) to purchase a supply of water for its use and consumption; and

WHEREAS, cooperation between districts to provide adequate and efficient water service is a policy encouraged and followed by the Town of New Windsor and service of the properties within Water District No. 14 is an opportunity to further implement said policy;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEW WINDSOR THAT:

1. At such time as sufficient municipal water supply becomes available, the Town of New Windsor Consolidated Water District agrees to supply municipal water to the Town of New Windsor Water District No. 14 in order to serve the developer’s properties identified on Town of New Windsor Tax Map as Section 95, Block 1, Lot 3.2 and Section 95, Block 1, Lot 4.2. Since the estimated water usage for residential consumption is 300 gallons per day (gpd) per household, the total usage is not expected to exceed 27,000 gpd.

2. In consideration thereof, each property owner in Town of New Windsor Water District No. 14 shall be charged and assessed annually an amount calculated, based upon assessed valuation percentages, which payment shall be applied to (a) existing and future Consolidated Water District debt; (b) existing Extension #13 to the New Windsor Consolidated Water District (Ext. #13 to NWCWD) debt; and (c) a share of water for fire protection services. As an example, if such assessment were to be made in 2008, each property owner would be assessed \$10.02 per \$1,000.00 of assessed valuation.

3. Any special district notices given to the owners of property within the Consolidated Water District and/or Ext. #13 to NWCWD shall also be given to the owners of property within Water District #14.

Roll Call: All Ayes

Motion Carried 4-0

SANITATION DEPARTMENT

GENERAL

10 On Agenda: Motion – Release Maintenance Bond – Paul Court

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Comptroller to release the maintenance bond for Paul Court in the amount of \$19,722.00.

Roll Call: All Ayes

Motion Carried 4-0

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11 On Agenda: Motion – Accept Planning Board Report – Special Use Permit – Senior Housing (PB #07-01)

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, an application was made to the Town Board of the Town of New Windsor for Special Use Permit by Warwick Properties (the “applicant”) for a project described as the “New Windsor Senior Housing” development; and

WHEREAS, the subject site consists of 4.1 acres of land and is comprised of one tax map parcel in the Town of New Windsor identified as Section 46, Block 1, Lot 46 (SBL 46-1-46) located near Route 32 in the Town of New Windsor; and

WHEREAS, the action involves a request for a Special Use Permit and site plan approval for ninety-six (96) one-bedroom housing units to be restricted as senior housing, and related site improvements; and

WHEREAS, the applicant has also applied to Planning Board for site plan approval; and

WHEREAS, the proposed development is subject to the Town of New Windsor Zoning Code § 300-18(J) setting forth the procedures applicable for senior citizen housing Special Use Permits; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, on July 25, 2007, declared its intent to serve as lead agency for SEQRA purposes, and further directed that a lead agency coordination letter be circulated to all involved and interested agencies in order to undertake a coordinated SEQRA review for this project; and

WHEREAS, New York General Municipal Law § 239 requires the referral of both the Special Use Permit and site plan applications to the Orange County Planning Department (“OCPD”) for its review and comment; and

WHEREAS, on June 28, 2007, the Town Board referred the application to the Planning Board for its consideration and report pursuant to Zoning Law § 300-18(J)(3); and

WHEREAS, on July 25, 2007, the Planning Board issued its report to the Town Board finding that the location is appropriate for senior housing, and recommended that the Town Board grant the Special Use Permit upon the completion of the Planning Board’s SEQRA review; and

WHEREAS, the Town Board wishes to acknowledge receipt of the Planning Board’s report, and to take certain procedural steps in connection with the Special Use Permit application;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Windsor that:

1. Town Board acknowledges receipt of the Planning Board’s report recommending, subject to certain conditions, that the Special Use Permit be granted; and

2. Town Board acknowledges and consents to the Planning Board’s declaration of lead agency for SEQRA purposes; and

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3. Town Board acknowledges that New York General Municipal Law § 239 requires the referral of both the Special Use Permit and site plan applications to OCPD for its review and comment, and hereby authorizes a joint coordinated referral to OCPD when, in the Planning Board's determination, the site plan application is complete and ready for referral; and

4. In accordance with the requirements of SEQRA, the Town Board defers further action on the application for a Special Use Permit until the Planning Board completes the coordinated SEQRA review.

Roll Call: All Ayes

Motion Carried 4-0

12 On Agenda: Receive and File Recommendation Orange County Department of Planning – Zoning of Knox Village Property

Hearing no objection, the Town Board of the Town of New Windsor receive and file recommendation of Orange County Department of Planning 239 L, M or N Report regarding zoning of Knox Village Property.

13 On Agenda: Receive and File Petition – Amendment to Zoning Local Law and Zoning Map – Knox Village Associates

Hearing no objection, the Town Board of the Town of New Windsor receive and file Petition dated May 23, 2007, of Knox Village Associates for amendment of the Zoning Code and Zoning Map of the Town of New Windsor.

14 On Agenda: Receive And File Map, Plan And Report – Wireless Communication Facility For Nextel

Hearing no objection, the Town Board of the Town of New Windsor receive and file Map, Plan and Report requesting installation of wireless communication facility at Vails Gate Fire Department, dated July 9, 2007, for Nextel.

15 On Agenda: Motion – Authorize Advertising for Public Hearing for Proposed Sewer Assessment Roll - 2008

Motion by Councilwoman Weyant, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for a Public Hearing to be held on the 5th day of September 2007 at 7:00 P.M. in the New Windsor Town Hall, 555 Union Avenue, New Windsor, NY, to hear all persons of the Town of New Windsor in all Sewer Districts interested in the Proposed Sewer Assessment Roll for the year 2008.

Roll Call: All Ayes

Motion Carried 4-0

16 On Agenda: Receive And File Certificate of Election Inspectors – Quassaick Bridge Fire District Special Election

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Certificate of the Election Inspectors certifying the results of Special Election held on Tuesday, July 31, 2007 of the qualified voters of the Quassaick Bridge Fire District.

17 On Agenda: Motion – Appoint Police Officers

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor appoint Michele Digeso, Scott D. Thompson, Alexander S. Ragni, and Michael Y. Takeuchi as Town of New Windsor Police Officers, effective August 1, 2007.

Roll Call: All Ayes

Motion Carried 4-0

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18 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of June 2007
Receiver of Taxes	Final Property Tax Statement 2007
Justice Donald J. Suttlehan	Month of July 2007
Town Clerk	Month of July 2007
Recreation Department	Month of July 2007

19 On Agenda: Public Forum

Supervisor Green asked if any of the Town Board members had any comments they wished to make and then opened the public forum portion of the meeting.

Mr. Barney Bedetti asked how many structures were involved on properties mentioned in agenda item #9. Supervisor Green said it was still undeveloped property, so no buildings had been erected yet. Mr. Bedetti also wanted to know about the 20 year water agreement with the City of Newburgh. Supervisor Green said that the contract is still under negotiation and he is hoping that it will be approved by the City of Newburgh during their August meeting, however until it has been approved, he couldn't disclose any details of the agreement.

Mr. Leo Braun said that in regard to the request for a Nextel cell tower at the Vails Gate Fire Department, a tower of some type had been torn down which had been on the fire house property for many years. Supervisor Green said he believed that the tower was from Group W Cable and when they ceased to exist, the new cable company did not need the tower so it was eventually taken down.

Mr. Braun also asked about the location of the senior citizen housing project, if it was going to be located behind Rite Aid and the Fire Department. Supervisor Green said that the project is still subject to a public hearing and SEQR review and so any comments should be saved for that, however he did say he feels that it is a good location for a senior housing project since it is surrounded by so many stores, churches and doctors all within walking distance.

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

20 On Agenda: Adjourn

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:30 p. m.

Roll Call: All Ayes

Motion Carried: 4-0

Town Clerk Deborah Green administered the oath of office to the four newly appointed police officers.

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK